

REMARKS

The present amendment is submitted in response to the Office Action dated September 25, 2006, which set a three-month period for response, making this amendment due by December 25, 2006, a holiday, or by December 26, 2006.

Claims 7 and 9-12 are pending in this application.

In the Office Action, it was noted that new claims 6-11, filed in the Simultaneous Amendment, should have been numbered as claims 7-12. Claims 7-12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 7-12 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,869,346 to Wendt et al.

In the present amendment, claim 7 has been amended to address the rejection under 35 U.S.C. 112, second paragraph, by more clearly defining the relationship between the recited elements.

Claim 7 was amended further to define the present invention over the cited reference to Wendt et al by adding the features of claim 8, which was canceled. Amended claim 7 now defines that "said at least one flange is formed so as to provide at least two different clamping planes for clamping said at least one flange in a manner selected from the group consisting of interchangeably clamping, selectively clamping, and both, relative to said clamping means in a bracing position, wherein said at least one flange can be clamped against said tool in said bracing position"

Amended claim 7 defines further that “the clamping means is a central axis with at least one radially extending clamping tab, wherein said at least one radially extending clamping tab is clamped to at least one support tab of a counter part”. Support for this limitation can be found in the specification at the top of page 7 and in Figs. 5 and 6.

The cited patent to Wendt does not show that tools of different thicknesses may be clamped, contrary to the present invention as defined in amended claim 7. The present invention provides a loose flange 32, which has a maximum of four different clamping planes, which make it possible to firmly clamp tools with different thicknesses by one of the fitting clamping planes.

Because Wendt does not disclose all of the features of amended claim 7, the rejection under Section 102 must be withdrawn. The Applicants furthermore respectfully submit that Wendt is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that “a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference”, and that “the identical invention must be shown in as complete detail as is contained in the ... claim”.

For the reasons set forth above, the Applicants respectfully submit that claims 7 and 9-12 are patentable over the cited art. The Applicants further request withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

/ Michael J. Striker /

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700